MR. [EMMET] O'NEAL [of Kentucky]: Mr. Chairman, I move to lay the appeal on the table.

MR. RANKIN: Mr. Chairman, the appeal cannot be laid on the table. The Committee has a right to vote on it.

THE CHAIRMAN: The motion to lay on the table is not in order in the Committee. (12)

C. MOTION TO RECOMMEND STRIKING ENACTING CLAUSE

§ 10. Generally

Although the Committee of the Whole does not have authority to consider a simple motion to strike the enacting clause of a bill,⁽¹³⁾ it may agree to a motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.⁽¹⁴⁾ Agreement by the House to the recommendation is considered equivalent to rejection of the bill.⁽¹⁵⁾

If the House rejects a recommendation of the Committee of the Whole to strike the enacting clause, it automatically resolves itself into the Committee for further consideration of the bill(16) which, by operation of the rule, is returned to the Committee without further House action. The bill goes back to the Committee of the Whole as unfinished business and is subject to amendment. Before the question of concurrence by the House is raised, a motion to refer the bill to any committee with or without instructions is in order. the Member offering that motion to refer need not qualify as being opposed to the bill; (17) when the bill is again reported to the

dents §2618.) Since the motion can be dispositive of a bill, however, present practice is to allow it in the House and not in the Committee of the Whole.

14. § 10.2, infra.

See 5 Hinds' Precedents §§ 5326–5346 and 8 Cannon's Precedents §§ 2618–2638 for earlier precedents relating to these motions.

- **15.** See § 10.6, infra.
- **16.** § 10.9, infra.
- 17. See 8 Cannon's Precedents § 2629.

^{12.} See also 81 Cong. Rec. 7698–7700, 75th Cong. 1st Sess., July 27, 1937, for another illustration of this principle.

^{13.} See § 10.1, infra. An older line of precedents took a different view. See, for example, 5 Hinds' Precedents § 5332, stating that the motion to strike out the enacting clause applied in the Committee of the Whole. The Chair sometimes took the view that the motion to strike the enacting clause was in the nature of an amendment. (See 8 Cannon's Prece-

House, it is referred to the Committee of the Whole without debate. (18)

The motion that the Committee rise and report with the recommendation that the enacting clause be stricken is not in order during general debate on a measure in the Committee; it is in order after the first section is read during the reading for amendment.⁽¹⁹⁾

A point of order against the motion that the Committee rise and report with the recommendation that the enacting clause be stricken out should be made before debate begins (20) on the motion.

Form of Motion

§ 10.1 The simple motion to strike out the enacting clause is not in order in the Committee of the Whole, not being in proper form.

On May 18, 1960,⁽²¹⁾ during consideration of H.R. 5, the Foreign Investment Incentive Act of 1960, Chairman William H. Natcher, of

Kentucky, ruled out of order a motion that the Committee of the Whole rise and report the bill back to the House with its enacting clause stricken out. However, a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out was entertained and adopted.

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Pelly moves that the Committee do now rise and report the bill back to the House with its enacting clause stricken out.

THE CHAIRMAN: The Chair desires to inform the gentleman that his motion is not in order.

Mr. [H.R.] Gross [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Gross moves that the Committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The question is on the preferential motion offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 101, noes 93.

MR. [HALE] BOGGS [of Louisiana]: Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Boggs and Mr. Gross.

The Committee again divided, and the tellers reported there were—ayes 107, noes 101.

^{18.} Rule XXIII clause 7, *House Rules and Manual* § 875 (1979).

^{19.} See § 11.2, infra.

^{20.} 5 Hinds' Precedents § 6902; 8 Cannon's Precedents § 3442.

^{21.} 106 CONG. REC. 10577–79, 86th Cong. 2d Sess.

So the motion was agreed to.

§ 10.2 The motion to strike out the enacting clause of a bill in the Committee of the Whole is not in proper form. The motion should provide that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

On June 21, 1944, (22) during consideration of H.R. 4219, providing for appointment of female pilots and aviation cadets in the air force, Chairman Robert Ramspeck, of Georgia, ruled out of order a motion to strike out the enacting clause because of improper form and indicated the proper form.

MR. [EDOUARD V. M.] IZAC [of California]: I offer a preferential motion.

THE CHAIRMAN: The Clerk will report the motion of the gentleman from California.

The Clerk read as follows:

Mr. Izac moves to strike out the enacting clause. . . .

Mr. [Andrew J.] May [of Kentucky]: I reserve the point of order against the

motion on the ground that it is not in proper form and does not comply with the rules of the House. The motion should read: I move that the Committee do now rise and report the bill back with instructions that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Kentucky is correct.

The Chair sustains the point of order.

§ 10.3 Where the form of a motion to strike out the enacting clause of a bill in the Committee of the Whole is deficient, the Chair may rule it out of order.

On Nov. 4, 1971, (23) during consideration of H.R. 7248, to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, Chairman pro tempore Edward P. Boland, of Massachusetts, refused to entertain as privileged a motion that the Committee strike the enacting clause and report the bill back to the House because the motion was not in writing and not in proper form.

THE CHAIRMAN PRO TEMPORE: The Chair recognizes the gentleman from New York (Mr. Wolff).

MR. [LESTER L.] WOLFF: Mr. Chairman, I take my time to send to the desk a privileged motion.

The Clerk read as follows:

^{22. 90} CONG. REC. 6414, 6415, 78th Cong. 2d Sess. See also, for example, 97 CONG REC. 7498, 82d Cong. 1st Sess., June 29, 1951; and 95 CONG. REC. 2962–65, 81st Cong. 1st Sess., Mar. 22, 1949, for other illustrations of this principle.

^{23.} 117 CONG. REC. 39321, 92d Cong. 1st Sess.

Mr. Wolff of New York moves to strike all after the enacting clause.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the motion in the form offered is not in order in the Committee of the Whole and it cannot be entertained.

MR. WOLFF: Mr. Chairman, I move that the Committee strike the enacting clause and report the bill back to the House.

THE CHAIRMAN PRO TEMPORE: Does the gentleman have his motion in writing at the Clerk's desk?

MR. WOLFF: I do not.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the motion is not in order.

Privileged Nature

§ 10.4 A motion that the Committee of the Whole rise and report back to the House with the recommendation that the enacting clause be stricken is of high privilege.

On July 9, 1965,(1) during consideration of H.R. 6400, the Voting Rights Act of 1965, a motion that the Committee of the Whole rise and report back to the House with the recommendation that the enacting clause of the bill be

stricken was offered as a preferential motion.

MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. Watson:

"Mr. Watson, of South Carolina, moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.". . .

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I am very happy in a way that the gentleman from South Carolina spoke, because by his speech he pointed out I think more dramatically than anything I could say or anything anyone else could say the courage that was demonstrated by another gentleman from the South today, the gentleman from Louisiana [Mr. Boggs].

The Chairman: $^{(2)}$ The question is on the preferential motion offered by the gentleman from South Carolina.

Parliamentarian's Note: The 10 minutes used for debate on the preferential motion was not taken from the time remaining for debate on the bill under a limitation previously agreed upon. The limitation was contained in a unanimous consent request to which the Committee had previously agreed. The request provided: (3)

 ^{1. 111} CONG. REC. 16227, 16228, 89th Cong. 1st Sess. See also 115 CONG. REC. 30099, 91st Cong. 1st Sess., Oct. 15, 1969, for another illustration of this principle during consideration of H.R. 14127, the Coinage Act Amendments of 1969.

^{2.} Richard Bolling (Mo.).

^{3.} 111 CONG. REC. 16038, 89th Cong. 1st Sess., July 8, 1965.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent that all debate on the so-called McCulloch substitute and all amendments thereto be limited to 2 hours, and that such time be equally divided and controlled by myself and the gentleman from Ohio [Mr. McCulloch].

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

Divisibility

§ 10.5 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is not divisible.

On Dec. 15, 1937,⁽⁴⁾ during consideration in Committee of S. 2475, the wages and hours bill, under Chairman John W. McCormack, of Massachusetts, a question arose as to whether a motion

For another instance in which the time for debate on a motion to rise and report with the recommendation that the enacting clause be stricken was not taken from the time fixed for debate on an amendment previously offered (where the time was not fixed by the clock), see 99 Cong. Rec. 4125–28, 83d Cong. 1st Sess., Apr. 28, 1953. See also Ch. 29 § 79, infra

4. 82 CONG. REC. 1600, 75th Cong. 2d Sess.

relating to the enacting clause was divisible.

THE CHAIRMAN: The motion of the gentleman from Oklahoma is directed to the enacting clause of the Senate bill

MR. [CLARENCE E.] HANCOCK of New York: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HANCOCK of New York: Is that motion divisible?

THE CHAIRMAN: The Chair, in answer to the gentleman's inquiry, will say the motion is not divisible.

House Action on Committee Recommendation

§ 10.6 Where a bill is reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, the question before the House is on the recommendation of the Committee of the Whole; if that recommendation is agreed to, it is equivalent to a rejection of the bill.

On Mar. 1, 1950,⁽⁵⁾ the Committee of the Whole agreed to a motion to report H.R. 5963, authorizing contributions to the Cooperative for American Remittances to Europe, Inc., back to the

^{5.} 96 CONG. REC. 2590, 2591, 81st Cong. 2d Sess.

House with the recommendation that the enacting clause be stricken out. The proceedings were as follows:

THE CHAIRMAN: (6) The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. Stefan) there were—ayes 92, noes 27.

MR. [JOHN] KEE [of West Virginia]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Kee and Mr. Stefan.

The Committee again divided; and the tellers reported that there were—ayes 127, noes 46.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5953) to authorize contributions to Cooperative for American Remittances to Europe, Inc., had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE SPEAKER: (7) The question is on the motion to strike out the enacting clause.

MR. KEE: Mr. Speaker, on that I demand the yeas and nays.

MR. [JACOB K.] JAVITS [of New York]: Mr. Speaker, a parliamentary inquiry.

The Speaker: The gentleman will state it.

MR. JAVITS: So that we may know what we are voting, is it a fact that a vote "yea" means that the enacting clause will be stricken, and a vote "nay" means that it will not be stricken and the bill will pass?

THE SPEAKER: The question now is on the motion to strike out the enactment clause.

The yeas and nays were ordered.

The question was taken; and there were—yeas 265, nays 102, not voting 65.

So the motion was agreed to.

Parliamentarian's Note: It should be noted that, under the rules, the motion to strike the enacting clause, if carried, is equivalent to the rejection of the bill. Rule XXIII clause 7, House Rules and Manual § 875 (1979).

Resolving Clauses in Resolution of Disapproval and Applicability to Simple Resolutions Generally

§ 10.7 A motion that the Committee of the Whole rise and report a resolution to disapprove a reorganization plan under the Reorganization Act of 1949 back to the House with the recommendation that the resolving clause be stricken out was held not in order because that resolution is not amendable.

On June 27, 1953,⁽⁸⁾ during consideration of House Resolution

^{6.} Charles M. Price (Ill.).

^{7.} Sam Rayburn (Tex.).

^{8.} 99 CONG. REC. 7482, 83d Cong. 1st Sess.

295, disapproving Reorganization Plan No. 6, Chairman Leslie C. Arends of Illinois, held that the motion that the Committee of the Whole rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out was not in order.

MR. [W. STERLING] COLE of New York: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Cole of New York moves that the Committee do now rise with the recommendation that the enacting clause be stricken.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I make the point of order that the motion is not in order.

THE CHAIRMAN: The Chair is compelled to agree with the gentleman from Michigan. The resolution is not amendable and, therefore, the preferential motion is not in order.⁽⁹⁾

9. 5 USC §912(b) provides that an amendment to a resolution of disapproval is not in order and the preferential motion is in order only during the stage of amendment.

Parliamentarian's Note: A preferential motion under the provisions of Rule XXIII clause 7, House Rules and Manual § 875 (1979), is applicable to a simple resolution being considered under a special rule in the Committee of the Whole under the five-minute rule. See 120 Cong. Rec. 34170, 34171, 93d Cong. 2d Sess., Oct. 7, 1974.

Chairman's Vote

§ 10.8 The Chairman of a Committee of the Whole cast his vote to make a tie and thus defeated a motion to rise and report the bill back to the House with the recommendation that the enacting clause he stricken out.

On Aug. 1, 1957,⁽¹⁰⁾ during consideration of H.R. 6763, to amend the Act of Aug. 30, 1954, entitled "an Act to authorize and direct the construction of bridges over the Potomac River," Chairman Richard Bolling, of Missouri, cast his negative vote to make a tie and thereby defeat a motion to rise and report a bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Taber moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Taber].

The question was taken; and the Chair being in doubt, the Committee

^{10.} 103 CONG. REC. 13377, 13378, 85th Cong. 1st Sess.

divided, and there were—ayes 54, noes

MR. [JAMES C.] DAVIS of Georgia: Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Taber and Mr. Davis of Georgia.

The Committee again divided.

THE CHAIRMAN: On this vote by tellers, the ayes are 63; noes, 62. The Chair votes "no".

So the motion was rejected.

Effect of House Rejection of Recommendation to Strike Enacting Clause

§ 10.9 When a recommendation of a Committee of the Whole that the enacting clause be stricken is rejected by the House, the House, without motion, resolves itself into the Committee of the Whole for further consideration of the bill.

On Aug. 21, 1958,(11) the Committee of the Whole resumed its sitting after the House rejected a Committee recommendation to strike the enacting clause of S. 4036, to stabilize production of copper, lead, zinc, acid-grade

fluorspar, and tungsten. The proceedings were as follows:

Mr. [Wayne L.] Hays of Ohio: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hays of Ohio moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

The Chairman: $^{(12)}$ The time of the gentleman from Oklahoma has expired. All time on the preferential motion has expired.

The question is on the motion to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. Hays of Ohio) there were—ayes 77, noes 76.

MR. [STEWART L.] UDALL [of Arizona]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Rogers of Texas and Mr. Hays of Ohio.

The Committee again divided, and the tellers reported that there were—ayes 108, noes 98.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Evins, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 4036) to stabilize production of copper, lead, zinc, acid-grade fluorspar, and tungsten from domestic mines, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

 ¹⁰⁴ Cong. Rec. 18946–48, 85th Cong. 2d Sess. See also 111 Cong. Rec. 25424–26, 89th Cong. 1st Sess., Sept. 29, 1965; and 94 Cong. Rec. 6423, 80th Cong. 2d Sess., May 25, 1948, for other examples of this principle.

^{12.} Joseph L. Evins (Tenn.).

THE SPEAKER: (13) The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

Mr. [John J.] Rhodes of Arizona: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 174, not voting 84. . . .

So the motion was rejected. . . .

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

Motion to Rise (Strike the Enacting Clause) and Recommit Bill to Committee

§ 10.10 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken and the bill be recommitted to a committee was held not to be in order in the Committee of the Whole.

On Apr. 3, 1957,⁽¹⁴⁾ during consideration of H.R. 6287, making appropriations for the Departments of Labor and Health, Education, and Welfare, Chairman Aime J. Forand, of Rhode Island,

held out of order a motion that the Committee of the VVhole rise and report a bill back to the House with the recommendation that the enacting clause be stricken and that the bill be recommitted to committee with instructions.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman moves that the Committee do now rise, report the bill back to the House with the rec-ommendation that the enacting clause be stricken, and that the bill be recommitted to the Committee on Appropriations with instructions that it be reported back to the House within 5 days with amendments which will indicate the places and amounts in the budget where the committee believes, in view of the statements made in the Committee of the Whole House on the State of the Union, that substantial reductions may best be made and will meet the views of the House with the least curtailment of efficient administration by the Departments affected.

MR. [JOHN E.] FOGARTY [of Rhode Island]: Mr. Chairman, I reserve a point of order on the motion.

THE CHAIRMAN: The gentleman from Michigan is recognized.

MR. HOFFMAN: In the interest of saving time, I am perfectly willing that the point of order should be ruled on now. Why wait 5 minutes or 10 minutes if it is out of order?

THE CHAIRMAN: Does the gentleman from Rhode Island care to be heard on the point of order? The Chair is ready to rule.

^{13.} Sam Rayburn (Tex.).

^{14.} 103 CONG. REC. 5013, 85th Cong. 1st Sess.

MR. FOGARTY: Mr. Chairman, as I remember the reading of the motion, there is matter of wording contained therein that is not permissible under the rules governing procedure in Committee of the Whole, but would be allowed under the rules of procedure in the House.

THE CHAIRMAN: Does the gentleman from Michigan desire to be heard?

MR. HOFFMAN: Yes, Mr. Chairman. I want to point out that there is a precedent for the motion and the rules cite a precedent where that motion has been held to be proper in the Committee.

THE CHAIRMAN: The Chair is not familiar with that precedent, but the rules of the House provide that certain language contained in the motion made by the gentleman from Michigan could be entertained in Committee of the Whole, but the balance of the motion would only be appropriate in the House. For that reason, the Chair sustains the point of order. (15)

15. Immediately after the ruling of the Chairman, Mr. Hoffman quoted from 8 Cannon's Precedents §2329, in which Chairman Frank D. Currier (N.H.) stated: "The gentleman may move that the Committee rise and report this bill to the House with the recommendation that it be recommitted to the Committee on Interstate and Foreign Commerce. A motion to recommit is in order in the House. It is in order in Committee of the Whole House to move that when the Committee rises it recommends to the House a recommitment of the bill."

Note: A motion that the Committee of the Whole rise and report a bill to

§ 10.11 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that it be recommitted to the committee from which reported is not in order if that motion is not permitted under the resolution setting out the conditions under which the bill is to be considered.

On Aug. 10, 1950,(16) during consideration of H.R. 9176, the Defense Production Act of 1950, Chairman Howard W. Smith, of Virginia, indicated that a motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that it be recommitted to the reporting committee was not in

the House with the recommendation that the bill be recommitted to the committee from which it was reported is in order only when the bill is being considered under the general rules of the House and then only at the completion of the reading of the bill for amendment (4 Hinds' Precedents §§ 4761, 4762); it is not in order when the Committee of the Whole considers the bill under a special rule requiring reading for amendment under the five-minute rule. See 96 Cong. Rec. 12219, 81st Cong. 2d Sess., Aug. 10, 1950. See also Ch. 23, infra.

16. 96 CONG. REC. 12219, 81st Cong. 2d Sess.

order because such motion was not authorized by the special rule setting out the conditions under which the bill was being considered.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Rankin moves that the Committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on Banking and Currency for further hearings and study.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. PATMAN: Mr. Chairman, I make the point of order that this being a straight motion to recommit, without instructions, it is not permissible under the rule under which we are considering the bill in Committee.

THE CHAIRMAN: The Chair is ready to rule.

That motion is not in order in Committee of the Whole, and the Chair sustains the point of order.

MR. RANKIN: Mr. Chairman, it is in order to make a motion that the Committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on Banking and Currency for further study and hearing.

THE CHAIRMAN: In the consideration of this bill the Committee of the Whole is operating under a special rule which lays down the conditions under which the bill is to be considered. The motion

of the gentleman from Mississippi is not in order at this time.

The special rule, House Resolution 740,⁽¹⁷⁾ did not authorize the Committee of the Whole to rise and report the bill back to the House with recommendation that the bill be recommitted to the standing committee. One motion to recommit would have been in order *in the House* under the special rule, the terms of which are set out below:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9176) to establish a system of priorities and allocations for materials and facilities, authorize the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, strengthen controls over credit, regulate speculation on commodity exchanges, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule.

^{17.} 96 CONG. REC. 11506, 81st Cong. 2d Sess., Aug. 1, 1950.

It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Banking and Currency now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

§ 10.12 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out and the bill returned to a committee with instructions to remove a provision was held not to be in proper form.

On May 5, 1949,(18) during consideration of H.R. 2989, to incorporate the Virgin Islands Corporation, Chairman Wilbur D. Mills, of Arkansas, held that a motion that the Committee of the Whole rise

and report a bill back to the House with the recommendation that the enacting clause be stricken out and the bill be returned to the legislative committee with instructions to remove a particular provision was not in proper form for a preferential motion.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Rich moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be stricken and the bill be returned to the Committee on Public Lands with instructions to remove the provision permitting the Government to manufacture rum.

THE CHAIRMAN: The Chair will state that the motion as presented by the gentleman from Pennsylvania is not in proper form for a preferential motion.

The Clerk will read the bill for amendment.

Yielding Time During Debate

§ 10.13 A Member offering a motion in the Committee of the Whole to strike out the enacting clause of a bill may while holding the floor yield part (but not all) of his five minutes of debate to another to discuss the motion.

On Sept. 27, 1945,(19) during consideration of H.R. 2948, to

^{18.} 95 Cong. Rec. 5705, 81st Cong. 1st Sess.

^{19.} 91 Cong. Rec. 9095, 79th Cong. 1st Sess.

amend the Civil Service Retirement Act to exempt certain annuity payments from taxation, Chairman Aime J. Forand, of Rhode Island, referred to the rule under which a Member offering a motion to strike out the enacting clause may yield time to another.

Mr. [Andrew J.] May [of Kentucky]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. May moves that the Committee do now rise and report the bill, H.R. 2948, back forthwith to the House with the recommendation that the enacting clause be stricken out.

MR. MAY: Mr. Chairman, I yield my 5 minutes to the gentleman from North Carolina, if I may.

MR. [ROBERT] RAMSPECK [of Georgia]: The gentleman cannot do that, Mr. Chairman.

THE CHAIRMAN: He can yield time while he is holding the floor.

MR. MAY: I yield part of my time, then, to the gentleman from North Carolina.

MR. [ROBERT L.] DOUGHTON of North Carolina: Mr. Chairman, for the first time in a number of years we are now preparing to bring in a tax-relief bill.

Striking Enacting Clause of Senate Bill

§ 10.14 The Speaker has directed the Clerk to notify the Senate of agreement by the House to a recommendation of the Committee of the

Whole that the enacting clause of a Senate-passed bill be stricken out.

On Oct. 4, 1972, (20) during consideration of S. 1316, to amend the federal laws governing meat and poultry inspection, the House agreed to a recommendation of the Committee of the Whole relating to the enacting clause of the bill.

MR. [HUGH L.] CAREY of New York: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Carey of New York moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

THE CHAIRMAN: (21) The question is on the preferential motion offered by the gentleman from New York (Mr. Carey).

The question was taken; and on a division (demanded by Mr. Carey of New York) there were—ayes 104, noes 97.

MR. [WILEY] MAYNE [of Iowa]: Mr. Chairman, I demand tellers.

Tellers were ordered.

MR. MAYNE: Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered. . . .

See also 92 CONG. REC. 7211, 79th Cong. 2d Sess., June 20, 1946, for another instance in which the House struck the enacting clause of a Senate bill.

21. James W. Symington (Mo.).

^{20.} 118 CONG. REC. 33785, 33786, 92d Cong. 2d Sess.

The Committee divided, and the tellers reported that there were—ayes 172, noes 170, not voting 89. . . .

So the preferential motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Symington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1316) . . . had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE SPEAKER: (22) The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

MR. MAYNE: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 169, not voting 88. . . .

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to. . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The Clerk will notify the Senate of the action of the House.

Withdrawal of Motion

§ 10.15 The motion that the Committee of the Whole rise and report a bill back to the

House with the recommendation that the enacting clause be stricken out was withdrawn by unanimous consent.

On May 3, 1949,(1) during consideration of H.R. 2032, the National Labor Relations Act of 1949, a motion to strike the enacting clause was withdrawn by unanimous consent.

Mr. [EUGENE] WORLEY [of Texas]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: (2) The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. Worley moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Texas is recognized for 5 minutes on his motion.

MR. WORLEY: . . . Mr. Chairman, I ask unanimous consent to withdraw my motion.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

There was no objection.

§11. When in Order

The motion to strike out the enacting words of a bill has prece-

^{22.} Carl Albert (Okla.).

^{1.} 95 CONG. REC. 5521, 5522, 81st Cong. 1st Sess.

^{2.} Jere Cooper (Tenn.).